

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

JULIE DALESSIO, an individual,

Plaintiff,

v.

UNIVERSITY OF WASHINGTON, a  
Washington Public Corporation; Eliza  
Saunders, Director of the Office of Public  
Records, in her personal and official  
capacity; Alison Swenson, Compliance  
Analyst, in her personal capacity; Perry  
Tapper, Public Records Compliance  
Officer, in his personal capacity; Andrew  
Palmer, Compliance Analyst, in his  
personal capacity; John or Jane Does 1-12,  
in his or her personal capacity,

Defendants.

No. 2:17-cv-00642-MJP

**First Amended Complaint**

**Jury Trial Requested**

Plaintiff Julie Dalessio alleges for her Complaint against collectively the Defendants on personal knowledge as to her own activities, and to information and belief as to the activities of others, as follows:

**I. Introduction**

1. Pursuant to 42 U.S.C § 1983, Plaintiff alleges the deprivation of rights guaranteed to her by the Fourth, Fifth and Fourteenth Amendments of the United States Constitution. She seeks declaratory relief, equitable relief, damages, attorney's fees and litigation expenses/costs.

First Amended Complaint

Case 2:17-cv-00642

Law Office of Joseph Thomas  
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Renton, Washington  
Phone (206)390-8848

## II. Jurisdiction

2. This case arises under the United States and Washington Constitutions and 42 U.S.C. §1983.

3. This court has jurisdiction by virtue of 28 U.S.C. §§ 1331, 1343, 1443 and 1446. Further this Court has jurisdiction to issue declaratory relief under 28 U.S.C. §§ 2201 and 2202. This Court has supplemental or pendant jurisdiction over Washington State claims made under 28 U.S.C. § 1367(a) and in particular Washington State claims made against the University of Washington. The University of Washington has consented to federal court jurisdiction for purposes of considering the issues of common law privacy violations, breach of contract, libel, civil rights violations, and injunctive relief raised in this action.

4. Venue is proper in this Court under 28 U.S.C § 1391(b)(2) because the University of Washington maintains all or substantially all of the records at issue in Seattle Washington, or because Seattle is where the decision was made to wrongfully produce the records at issue.

## III. Parties

5. Plaintiff Julie Dalessio (“**Dalessio**”), is a former a former classified staff employee of the University of Washington, and at all relevant times a resident of the state of Washington.

6. Defendant University of Washington (“**UW**”) is a Washington public corporation.

7. Defendant Eliza Saunders (“**Saunders**”), is an individual UW official serving as a Director of the Office of Public Records at the UW’s Office of Public Records and Open Public Meetings. Defendant Saunders is a “person” as that term is used in 42 U.S.C. § 1983 and is being sued in her personal and official capacities. In all of her actions and omissions alleged herein, Defendant Saunders was acting under the color of state law.

8. Defendant Perry Tapper (“**Tapper**”), is an individual UW official serving as a Public Records Compliance Officer at the UW’s Office of Public Records and Open Public Meetings. Defendant Tapper is a “person” as that term is used in 42 U.S.C. § 1983 and is being sued in his personal capacity. In all of his actions and omissions alleged herein, Defendant Tapper was acting under the color of state law.

9. Defendant Andrew Palmer (“**Palmer**”), is an individual UW official serving as a  
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1 Compliance Analyst at the UW's Office of Public Records and Open Public Meetings. Defendant  
 2 Palmer is a "person" as that term is used in 42 U.S.C. § 1983 and is being sued in his personal  
 3 capacity. In all of his actions and omissions alleged herein, Defendant Palmer was acting under  
 4 the color of state law.

5 10. Defendant Alison Swenson ("**Swenson**") is an individual UW official serving as a  
 6 Compliance Analyst at the UW's Office of Public Records and Open Public Meetings. Defendant  
 7 Swenson is a "person" as that term is used in 42 U.S.C. § 1983 and is being sued in her personal  
 8 capacity. In all of her actions and omissions alleged herein, Defendant Swenson was acting under  
 9 the color of state law.

10 11. [Stricken]

11 12. [Stricken]

12 13. [Stricken]

13 14. Defendant John or Jane Doe 1 ("**Doe 1**") is believed to be an individual UW official  
 14 serving at the UW's Department of Laboratory Medicine. Defendant Doe 1 is a "person" as that  
 15 term is used in 42 U.S.C. § 1983 and is being sued in his/her personal capacity. In all of his/her  
 16 actions and omissions alleged herein, Defendant Doe 1 was acting under the color of state law.

17 15. Defendant John or Jane Doe 2 ("**Doe 2**") is believed to be an individual UW official  
 18 serving at the UW's Department of Laboratory Medicine. Defendant Doe 2 is a "person" as that  
 19 term is used in 42 U.S.C. § 1983 and is being sued in his/her personal capacity. In all of his/her  
 20 actions and omissions alleged herein, Defendant Doe 2 was acting under the color of state law.

21 16. Defendant John or Jane Doe 3 ("**Doe 3**") is believed to be an individual UW official  
 22 serving at the UW's Department of Human Resources for the Upper Campus. Defendant Doe 3 is  
 23 a "person" as that term is used in 42 U.S.C. § 1983 and is sued in being his/her personal capacity.  
 24 In all of his/her actions and omissions alleged herein, Defendant Doe 3 was acting under the color  
 25 of state law.

26 17. Defendant John or Jane Doe 4 ("**Doe 4**") is believed to be an individual UW official  
 27 serving at the UW's Department of Human Resources of UW Medicine. Defendant Doe 4 is a  
 28 "person" as that term is used in 42 U.S.C. § 1983 and is being sued in his/her personal capacity.

1 In all of his/her actions and omissions alleged herein, Defendant Doe 4 was acting under the color  
2 of state law.

3 18. Defendant John or Jane Doe 5 (“**Doe 5**”) is believed to be an individual UW official  
4 serving at the UW’s Department of Human Resources of UW Medicine. Defendant Doe 5 is a  
5 “person” as that term is used in 42 U.S.C. § 1983 and is being sued in his/her personal capacity.  
6 In all of his/her actions and omissions alleged herein, Defendant Doe 5 was acting under the color  
7 of state law.

8 19. Defendant John or Jane Doe 6 (“**Doe 6**”) is believed to be an individual UW official  
9 serving at the UW’s Department of Payroll Services. Defendant Doe 6 is a “person” as that term  
10 is used in 42 U.S.C. § 1983 and is being sued in his/her personal capacity. In all of his/her  
11 actions and omissions alleged herein, Defendant Doe 6 was acting under the color of state law.

12 20. Defendant John or Jane Doe 7 (“**Doe 7**”) is believed to be an individual UW official  
13 serving at the UW’s Office of Finance and Administration. Defendant Doe 7 is a “person” as that  
14 term is used in 42 U.S.C. § 1983 and is being sued in his/her personal capacity. In all of his/her  
15 actions and omissions alleged herein, Defendant Doe 7 was acting under the color of state law.

16 21. Defendant John or Jane Doe 8 (“**Doe 8**”) is believed to be an individual UW official  
17 serving at the UW’s Office of Records Management Services. Defendant Doe 8 is a “person” as  
18 that term is used in 42 U.S.C. § 1983 and is being sued in his/her personal capacity. In all of  
19 his/her actions and omissions alleged herein, Defendant Doe 8 was acting under the color of state  
20 law.

21 22. Defendant John or Jane Doe 9 (“**Doe 9**”) is believed to be an individual UW official  
22 serving at the UW’s Department of Legal and Business Affairs of UW Medicine. Defendant Doe  
23 9 is a “person” as that term is used in 42 U.S.C. § 1983 and is being sued in his/her personal  
24 capacity. In all of his/her actions and omissions alleged herein, Defendant Doe 8 was acting  
25 under the color of state law.

26 23. Defendant John or Jane Doe 10 (“**Doe 10**”) is believed to be an individual UW  
27 official serving at the UW’s Office of Chief Health System Officer of UW Medicine. Defendant  
28 Doe 10 is a “person” as that term is used in 42 U.S.C. § 1983 and is being sued in his/her personal

1 capacity. In all of his/her actions and omissions alleged herein, Defendant Doe 10 was acting  
2 under the color of state law.

3 24. Defendant John or Jane Doe 11 (“**Doe 11**”) is believed to be an individual UW  
4 official serving at the UW’s Department of Records and Management Services at UW Medicine.  
5 Defendant Doe 11 is a “person” as that term is used in 42 U.S.C. § 1983 and is being sued in  
6 his/her personal capacity. In all of his/her actions and omissions alleged herein, Defendant Doe  
7 11 was acting under the color of state law.

8 25. Defendant John or Jane Doe 12 (“**Doe 12**”) is believed to be an individual UW  
9 official serving at the UW’s Office of Disability Services. Defendant Doe 12 is a “person” as that  
10 term is used in 42 U.S.C. § 1983 and is being sued in his/her personal capacity. In all of his/her  
11 actions and omissions alleged herein, Defendant Doe 12 was acting under the color of state law.

#### 12 **IV. Facts**

13 26. Defendant UW’s Office of Public Records and Open Public Meetings oversees UW’s  
14 compliance with the Washington Public Records Act, RCW 42.56.001, *et. seq.* (“**PRA**”).

15 27. David Betz (“**Betz**”) is an individual who from 2005-16 lived in an adjacent property  
16 to Dalessio.

17 28. In May 2015, Betz sued Dalessio in King County Superior Court claiming that when  
18 Dalessio built a fence, it was on Betz’s property. The case number is 15-2-17152-9.

19 29. On September 16, 2015, while litigation was still on-going, Betz made a request  
20 under the PRA to Defendant UW for “all records maintained by the University of Washington  
21 relating or pertaining to Julie Dalessio.” In making the PRA request, Betz used Dalessio’s student  
22 email address, [jdaless@u.washington.edu](mailto:jdaless@u.washington.edu), as a tool to identify Dalessio. Dalessio received the  
23 email address, [jdaless@u.washington.edu](mailto:jdaless@u.washington.edu), while she was a student at UW obtaining her Master’s  
24 Degree in Laboratory Medicine.

25 30. On November 10, 2015, Defendant Swenson responded to Betz’s request made under  
26 the PRA and verified that for this installment of documents “the appropriate redactions” were  
27 made according to the PRA. The bases for the redactions are: FERPA Student Privacy 20 U.S.C.

28 § 1232; RCW 42.56.050 Invasion of Privacy; RCW 42.56.070(1) Other Statute; RCW

1 42.56.230(3) Employee Privacy; RCW 42.56.230(3) Taxpayer Information; RCW 42.56.230(3)  
2 Employee Information.

3 31. On December 04, 2015, Defendant Swenson responded to Betz's request made under  
4 the PRA and again verified that for this second and final installment of documents "made the  
5 appropriate redactions and/or exemptions" according to the PRA. The bases for the redactions or  
6 exemptions, according to Defendant Swenson are the following: FERPA Student Privacy 20  
7 U.S.C. § 1232; HIPAA 40 C.F.R. Part 160, 164; RCW 42.56.050 Invasion of Privacy; RCW  
8 42.56.070(1) Other Statute; RCW 42.56.230(3) Employee Privacy; RCW 42.56.230(3) Employee  
9 Performance Evaluation; RCW 42.56.230(3) Taxpayer Information; RCW 42.56.250(2)  
10 Employment Application; RCW 42.56.230(3) Employee Information; RCW 70.02.020 Medical  
11 Records.

12 32. On or around March 22, 2016, Betz revealed in discovery that he had obtained  
13 records from Defendant UW that he planned to use as evidence against Ms. Dalessio in his  
14 adverse possession lawsuit. When filed with the King County Superior Court these documents  
15 would become public record that Dalessio would have no control over.

16 33. When Dalessio learned of Betz's PRA request, she immediately became concerned for  
17 the security of her private information held by Defendant UW, and consequently made her own  
18 PRA request to Defendant UW for a copy of the records that Betz received from his PRA request.  
19 Dalessio's request was designated as PR-2016-00218 by Defendant UW.

20 34. On or around April 10, 2016, Dalessio received a disc containing PR-2016-00218,  
21 records responsive to her "public records request for a copy of the records released for PR 2015-  
22 00570."

23 35. From the documentation provided, it appears that Defendant Swenson produced the  
24 records to both PRA requests: Dalessio's PRA request PR-2016-00218; Betz's PRA request PR  
25 2015-00570.

26 36. In response to Dalessio's PRA request number PR-2016-00218, in relevant part,  
27 Defendant Swenson produced the following private, confidential, personal information about

28 Dalessio to Betz: Dalessio's social security number; Dalessio's date of birth, Dalessio's place of  
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1 birth; Dalessio's personal home address; Dalessio's personal phone number; Dalessio's personal  
 2 email address; Dalessio's employee identification number; Dalessio's payroll records; Dalessio's  
 3 protected health information under both federal laws the Health Insurance Portability and  
 4 Accountability Act ("HIPAA"), and the Americans with Disabilities Act ("ADA"); Dalessio's  
 5 requests for accommodation under the ADA; comments by other employees about Dalessio's  
 6 disabilities; Dalessio's employee job classification and salary and benefits information;  
 7 Dalessio's employment security records; Dalessio's job performance evaluations and allegations  
 8 related to alleged misconduct; Dalessio's work and leave records; Dalessio's previous legal  
 9 surnames; Dalessio's signature. These records are personally identifiable, private and confidential  
 10 which could lead to identity theft.

11 37. On April 17, 2016, out of fear that her private, confidential, personal information was  
 12 unlawfully being disclosed to known and unknown third parties Dalessio contacted Defendant  
 13 Swenson by email and Defendant UW's Office of Public Records by United States Postal Service  
 14 alerting them that Betz "was given confidential information, including my social security number  
 15 and date of birth along with the other health and personnel related, confidential, exempt  
 16 information."

17 38. On April 27, 2016, Dalessio did receive a response from Defendant Swenson which  
 18 only attached Betz's original request, PR 2015-00570, and did not address Dalessio's stated  
 19 concerns about her private confidential information.

20 39. A request summary report, generated on April 10, 2017, appears to identify persons  
 21 employed by Defendant UW who searched for and transmitted documents to Defendant UW's  
 22 Office of Public Records and Open Public Meetings that were produced in response to request PR  
 23 2015-00570 submitted by Betz. The request summary report identifies Defendant UW employees  
 24 who helped fulfill request PR 2015-00570. It believed that the persons who were involved in  
 25 assisting Defendant UW's Office of Public Records and Public Meetings Act: Doe 1; Doe 2; Doe  
 26 3; Doe 4; Doe 5; Doe 6; Doe 7; Doe 8; Doe 9; Doe 10; Doe 11; Doe 12.

27 40. It is under personal belief that Defendant Tapper approved Defendant Swenson's  
 28 production of documents before it was released to either Betz or Dalessio through requests PR-



2016-00218 and PR 2015-00570. The belief is based upon the fact that the initial “PMT” appeared on the request summary report for PR 2015-00570, and also because Defendant Swenson identified Defendant Tapper as her Supervisor at the time the requests were made.

41. On May 20, 2016, Dalessio made a telephone call to Defendant UW’s Office of Public Records and Open Public Meetings and spoke with Defendant Tapper following-up on Dalessio’s April 17, 2016 communications to Defendant Swenson and Defendant UW that went unanswered about Dalessio’s private and confidential information unlawfully being disclosed via the Public Records Act. Defendant Tapper Dalessio did not respond to Dalessio’s concern directly, but stated Defendant UW’s Office of Public Records and Open Public Meetings does not respond to requests for information. Further, Defendant Tapper made Dalessio believe that the only way she could receive a response from Defendant UW’s Office of Public Records and Open Public Meetings would be to submit a PRA request.

42. It is under belief that Defendant Saunders acted as the Director of the UW Office of Public Records And Open Meetings throughout these occurrences. It is believed she was instrumental in the oversight and implementation of relevant Public Records Act disclosures.

43. On October 14, 2016, Dalessio made a telephone call to Defendant UW’s Office of Ombudsman speaking to Ombud Chuck Sloane (“**Sloane**”). Dalessio conveyed to Sloane her fears about her private and confidential information unlawfully being disclosed via PRA requests. Sloane referred Dalessio to the Office of the Attorney General – University of Washington and Washington Department of Enterprise Services. Defendant UW has its own division of the Washington Department of Enterprise Services known as UW Department of Risk Services.

44. On October 21, 2016, Dalessio filed claims with both Defendant UW Department of Risk Services, and Washington Department of Enterprise Services. The claims gave legal notice to both entities that Dalessio was legally wronged by Defendant UW’s production of documents under the PRA to Betz’s request because of: privacy violations, reputation injured, and claimed actual damages including mental pain and suffering, and breach of contract. Dalessio made both of these notices of claims pursuant to RCW 4.92.100.

45. On or about October 2016, Dalessio contacted Office of the Attorney General at the  
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1 University of Washington and spoke with Assistant Attorney General Rob Kosin (“**Kosin**”).  
 2 Kosin told Dalessio that there was nothing he could do.

3 46. On personal belief, Dalessio feared many departments within Defendant UW were  
 4 disclosing or could possibly disclose Dalessio’s personal, private information, based upon the  
 5 unlawful PRA disclosure to Betz.

6 47. On November 09, 2016, Dalessio submitted a PRA request to Defendant UW’s Office  
 7 of Public Records and Open Public Meetings. Defendant UW designated this request as PR-  
 8 2016-00760. This request sought “a digital copy of [Dalessio’s] departmental personnel file,  
 9 along with any other computer or paper files that might contain records of inquiries concerning  
 10 [Dalessio’s] employment at the UW since [Dalessio’s] resignation in 2003. [Dalessio] is also  
 11 requesting any other records of departmental communications, concerning [Dalessio’s]  
 12 employment with the UW, including phone logs, calendars, and emails exchanged with human  
 13 resources, former supervisor Rhoda Ashley Morrow or others concerning [Dalessio].” Dalessio  
 14 also asked UW to contact her if it needed clarification about the scope or meaning of her request.

15 48. On February 02, 2017, Defendant UW denied Dalessio’s October 21, 2016 notice of  
 16 claim.

17 49. On or about February 2017, Dalessio received the final of two installments of  
 18 documents responsive to her request PR-2016-00760. Defendant Palmer was the person who  
 19 produced both installments of records to Dalessio. It believed that the persons involved in  
 20 assisting Defendant UW’s Office of Public Records and Public Meetings Act include: Doe 1; Doe  
 21 2; Doe 3; Doe 4; Doe 5; Doe 6; Doe 7; Doe 8; Doe 9; Doe 10; Doe 11; Doe 12.

22 50. In response to Dalessio’s PRA request number PR-2016-00760, in relevant part,  
 23 Defendant Palmer produced the following private, confidential, personal information about  
 24 Dalessio: Dalessio’s social security number; Dalessio’s date of birth, Dalessio’s place of birth;  
 25 Dalessio’s personal home address; Dalessio’s personal phone number; Dalessio’s personal email  
 26 address; Dalessio’s employee identification number; Dalessio’s payroll records; Dalessio’s  
 27 protected health information under both federal laws the Health Insurance Portability and  
 28 Accountability Act (“HIPAA”), and the Americans with Disabilities Act (“ADA”); Dalessio’s

1 requests for accommodations under the ADA; comments by other employees about Dalessio's  
 2 disabilities; Dalessio's employee job classification and salary and benefits information;  
 3 Dalessio's employment security records; Dalessio's job performance evaluations and allegations  
 4 related to alleged misconduct; Dalessio's work and leave records; Dalessio's previous legal  
 5 surnames; Dalessio's signature; thirty-seven (37) copies of letters supposed to be taken out of  
 6 Dalessio's file pursuant to the 2003 settlement agreement between Defendant UW and Dalessio;  
 7 Dalessio's cognitive job analysis; Dalessio's psychiatric notes; intimate personal information  
 8 about Dalessio's home life; a document wrongfully implying Dalessio taking medications to  
 9 combat a disease. These records are personally identifiable, private and confidential which could  
 10 lead to identity theft.

11 51. Some of the medical information produced in response to PRA request PR-2016-  
 12 00760 was, at the time, unknown to even Dalessio herself. Dalessio only learned of some of this  
 13 medical information through the production of documents to PR-2016-00760.

14 52. The "Request Summary Report" associated with PR 2016-00760 [Dkt. 42] indicates  
 15 1431 pages of documents were withheld from the documents provided to Dalessio in this PRA  
 16 request, even though this PR 2016-00760 did not include any indication that any other documents  
 17 were withheld, or descriptions of documents withheld, as required under the PRA.

18 53. On March 28, 2017, Dalessio filed this current action in King County Superior Court,  
 19 as case number 17-2-07812-3 SEA.

20 54. **[Stricken]**

21 55. On April 24, 2017, Defendant UW filed a notice of removal of this case to United  
 22 States District Court for the Western District of Washington and consented to jurisdiction over all  
 23 the claims in this action.

24 56. **[Stricken]**

25 57. **[Stricken]**

26 58. **[Stricken]**

27 59. **[Stricken]**

28 60. **[Stricken]**

1 61. **[Stricken]**

2 62. **[Stricken]**

3 63. **[Stricken]**

4 64. **[Stricken]**

5 65. **[Partially Stricken]** Defendant Swenson's Declaration and exhibits states that  
 6 attached to it is Betz's PRA request numbered PR 2015-00570. According to the Declaration  
 7 Defendant Swenson made on redaction, prior to the electronic filing with the Court, but it is  
 8 incomprehensible what was redacted. Defendant Swenson left most if not all of Dalessio's  
 9 private and confidential information, open and available to the public including: Dalessio's social  
 10 security number; Dalessio's date of birth, Dalessio's place of birth; Dalessio's personal home  
 11 address; Dalessio's personal phone number; Dalessio's personal email address; Dalessio's  
 12 employee identification number; Dalessio's payroll records; Dalessio's protected health  
 13 information under both federal laws the Health Insurance Portability and Accountability Act  
 14 ("HIPAA"), and the Americans with Disabilities Act ("ADA"); Dalessio's requests for  
 15 accommodation under the ADA; comments by other employees about Dalessio's disabilities;  
 16 Dalessio's employee job classification and salary and benefits information; Dalessio's  
 17 employment security records; Dalessio's job performance evaluations and allegations related to  
 18 alleged misconduct; Dalessio's work and leave records; Dalessio's previous legal surnames;  
 19 Dalessio's signature. These records are personally identifiable, and contain private and  
 20 confidential which could lead to identity theft.

21 66. **[Stricken]**

22 67. **[Stricken]**

23 68. **[Stricken]**

24 69. **[Stricken]**

25 70. **[Stricken]**

26 71. **[Stricken]**

27 72. **[Partially Stricken]** On September 01, 2017, Swenson's Exhibit A containing the

28 entire contents of PR 2015-00570 into the CM/ECF system as Dkts. 32, 33, 34. This disclosure,  
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1 in relevant part, disclosed to the public the following private, confidential, personal information  
 2 about Dalessio: Dalessio's place of birth; Dalessio's personal home address; Dalessio's personal  
 3 phone number; Dalessio's personal email address; Dalessio's employee identification number;  
 4 Dalessio's payroll records; Dalessio's protected health information under both federal laws the  
 5 Health Insurance Portability and Accountability Act ("HIPAA"), and the Americans with  
 6 Disabilities Act ("ADA"); Dalessio's requests for accommodation under the ADA; comments by  
 7 other employees about Dalessio's disabilities; Dalessio's employee job classification and salary  
 8 and benefits information; Dalessio's employment security records; Dalessio's job performance  
 9 evaluations and allegations related to alleged misconduct; Dalessio's work and leave records;  
 10 Dalessio's previous legal surnames; Dalessio's signature. These records are personally  
 11 identifiable, private and confidential which could lead to identity theft.

12 73. **[Stricken]**

13 74. On September 05, 2018, Dalessio filed a Motion to Seal exhibits from Defendant  
 14 Swenson's Declaration that contained Dalessio's private and confidential information. The Court  
 15 subsequently sealed several of the exhibits in their entirety.

16 75. Dalessio has suffered economically, physically and emotionally from these  
 17 disclosures. Furthermore, since this information was made public she may suffer harm at any  
 18 time in the future because of this harm.

19 76. Economically, Dalessio has been harmed by the disclosure of her private and  
 20 confidential information because the disclosure of her private and confidential information. First,  
 21 Dalessio had to pay an attorney King County Superior Court case number 15-2-17152-9, against  
 22 Betz, to review Dalessio's PRA request PR-2016-00218; Betz's PRA request PR 2015-00570.  
 23 Second, Dalessio paid the attorney to perform a legal analysis of the laws governing private and  
 24 confidential information to determine if she was legally harmed by this disclosure. Third,  
 25 Dalessio had to pay the attorney in case King County Superior Court case number 15-2-17152-9  
 26 to make legal filings to protect her private and confidential information from becoming part or the  
 27 public court record. Fourth, Dalessio has had to pay for legal consultation fees in connection with  
 28 the disclosure her private and confidential information. Fifth, Dalessio has had to pay court costs

1 associated with this present action. All of these costs were incurred in Dalessio trying to remove  
2 her private and confidential information from the public record.

3 77. Physically, Dalessio has been harmed by the disclosure of her private and confidential  
4 information because she is allergic to plastics. Contact with any type of plastics results in  
5 inflammation and lasting pain. Because of these disclosures, Dalessio has had to use the  
6 telephone to make phone calls, computers to write letters, a printer to print documents, among  
7 other types of plastics, all to try to remove her private and confidential information from the  
8 public record, in amounts to be determined by jury at trial.

9 78. Emotionally, Dalessio has been harmed by the disclosure of her private and  
10 confidential information. Dalessio has suffered from sleep disturbances, agitation, traumatic  
11 stress, lack of appetite, sadness, embarrassment, worry, humiliation, in amounts to be determined  
12 by the jury at trial.

13 79. The University of Washington has a pattern and practice of disclosing private and  
14 confidential information in the disclosure of documents in response to PRA requests.

15 80. Dalessio, herself, has received documents under the PRA, from other requests she  
16 made, which contain private and confidential information about third parties: PR 2017-00357;  
17 PR 2017-00358; PR 2017-00359; PR 2017-00822; PR 2017-00803; PR 2017-00836; PR 2017-  
18 00738; PR 2017-00737.

19 81. Records produced by Defendant UW to Dalessio for PRA request PR 2017-00357, in  
20 relevant part contains, a current UW Virology employee's work location, payroll records, work  
21 and leave records, Date of birth, place of birth, employee identification number, personal phone  
22 number, W4 information, signature, retirement and insurance information, employee job  
23 classification and salary information, email regarding lack of qualifications for job, documents  
24 clearly marked as "confidential." These records are personally identifiable, private and  
25 confidential which could lead to identity theft. The included inventory of documents withheld  
26 includes performance evaluations and application materials. It is under belief, that Lynn O'Shea  
27 who is a UW official serving as a Compliance Analyst at the UW's Office of Public Records and  
28 Open Public Meetings participated in the disclosure of these records.

82. Records produced by Defendant UW to Dalessio for PRA request PR 2017-00358, in relevant part, contains a current UW Virology employee's work location, employee identification number, payroll records, work and leave records, Date of birth, place of birth, disability status, Investment program enrollment, retirement information, Declaration of marriage/Same Sex Domestic Partnership, dependent daughter, Long Term Disability Insurance Enrollment, height, weight, signature, immigrant status, "Affirmative Action Data" race, origin, physical, sensory, mental impairment, veteran status, test scores, test questions, on the job accident reports, INS I-94 departure record, admission #, INS employee authorization (expired), Family Medical Leave documentation, documents clearly marked as "confidential." These records are personally identifiable, private and confidential which could lead to identity theft. This PR also contained a document relating to a "request for criminal conviction record information from the Washington State Patrol" "pursuant to the Child/Adult Abuse Information Act." This PR did not contain any listing of any documents withheld. It is under belief, that Lynn O'Shea who is a UW official serving as a Compliance Analyst at the UW's Office of Public Records and Open Public Meetings, participated this PRA request.

83. Records produced by Defendant UW to Dalessio for PRA request PR 2017-00359, in relevant part contains documents produced to this request ten (10) current or former UW employees that appear to be clients of the UW Disability Service Office. The produced records, in relevant part, identify: locations, employee identification numbers, job classification and salary information, payroll records, work and leave records, FMLA documentation, Retirement pension benefits information, signatures, Date of birth, place of birth, disability status, protected health information under both federal laws the Health Insurance Portability and Accountability Act ("HIPAA"), and the Americans with Disabilities Act ("ADA") and RCW 51.28.070 "Information contained in the claim files and records of injured workers," tobacco use, Insurance claim numbers, Insurance policy numbers, medical and dental plan information, signatures, spouse's name, date of marriage, number of dependents, birth certificates, form 1040, employee evaluations, personal email addresses, requests for accommodation under the ADA; comments by other employees about disabilities; medical testing results, documents clearly marked as

1 “confidential.” It is under belief, that Lynn O’Shea who is a UW official serving as a Compliance  
 2 Analyst at the UW’s Office of Public Records and Open Public Meetings, participated this PRA  
 3 request.

4 84. Records produced by Defendant UW to Dalessio for PRA request PR 2017-00822, in  
 5 relevant part contains documents produced to this request four (4) former UW Virology  
 6 employees. The produced records, in relevant part, identify: employee identification numbers,  
 7 dates of birth, places of birth, previous surnames, race, ethnicity, disability handicap status,  
 8 veteran status, work and leave records and FMLA records, classification and salary records,  
 9 pension benefit records, payroll records, personal phone numbers, protected health information  
 10 under both federal laws the Health Insurance Portability and Accountability Act (“HIPAA”), and  
 11 the Americans with Disabilities Act (“ADA”) and RCW 51.28.070 “Information contained in the  
 12 claim files and records of injured workers,” student identification numbers, performance  
 13 evaluations, workplace accident reports, insurance information, tobacco use, marital status,  
 14 height, weight. It is under belief, that Lynn O’Shea who is a UW official serving as a Compliance  
 15 Analyst at the UW’s Office of Public Records and Open Public Meetings, participated this PRA  
 16 request.

17 85. Records produced by Defendant UW to Dalessio for PRA request PR 2017-00803, in  
 18 relevant part contains, personal residential address, personal cell phone number, personal email  
 19 address. These records are personally identifiable, private and confidential which indicates safety  
 20 and privacy concerns, and could lead to identity theft. It is under belief, that Meg McGough who  
 21 is a UW official serving as a Compliance Officer at the UW’s Office of Public Records and Open  
 22 Public Meetings, participated this PRA request.

23 86. Records produced by Defendant UW to Dalessio for PRA request PR 2017-00836, in  
 24 relevant part contains, employee ID number, personal residential address, personal phone number,  
 25 date of birth, place of birth, personal biography, curriculum vitae, personal email address, student  
 26 email address, salary and benefits information, application materials, performance evaluation,  
 27 personal emails, disparaging emails, Homeland Security employment eligibility verification (date  
 28 of birth, citizenship, signature), passport, bank information, documents clearly marked as



1 "confidential" or "disclosure prohibited." These records are personally identifiable, private and  
 2 confidential which could lead to identity theft. It is under belief, that Meg McGough who is a  
 3 UW official serving as a Compliance Officer at the UW's Office of Public Records and Open  
 4 Public Meetings, participated this PRA request.

5 87. Records produced by Defendant UW to Dalessio for PRA request PR 2017-00738, in  
 6 relevant part, contains social security number, dates of birth, personal residential address,  
 7 employee identification number, payroll records, insurance, retirement benefit information,  
 8 personal email addresses, employment security information, documents clearly marked as  
 9 "confidential," protected health information under both federal laws the Health Insurance  
 10 Portability and Accountability Act ("HIPAA"), and the Americans with Disabilities Act  
 11 ("ADA"), L & I claim number, letters implying improper use of controlled substances or other  
 12 alleged misconduct, many invalid waivers, and financial information. These records are  
 13 personally identifiable, private and confidential which could lead to stigmatization and/or identity  
 14 theft. It is under belief, that Meg McGough who is a UW official serving as a Compliance  
 15 Officer at the UW's Office of Public Records and Open Public Meetings, participated this PRA  
 16 request.

17 88. PR 2017-00737, in relevant part contains, an "Internal Audit Memorandum" written  
 18 by Defendant UW, and dated March 2, 2004. The contents of the memo concern violations of the  
 19 Fair Labor Standards Act 29 CFR 791.2 by Defendant UW, with a December 18, 2002 fax  
 20 attached containing a July 15, 1997 letter to Dalessio regarding payment for work outside of her  
 21 job classification. Dalessio's personal information is the only personally identifiable information  
 22 not redacted in the memo. These records are personally identifiable, private and confidential  
 23 which could lead to identity theft. It is under belief, that Kathleen Burns who is a UW official  
 24 serving as a Compliance Analyst at the UW's Office of Public Records and Open Public  
 25 Meetings, participated this PRA request.

26 89. As a pattern and practice, Defendant UW discloses personally identifiable  
 27 information through disclosures made pursuant to the Washington Public Records Act. These  
 28 disclosures contain private and confidential, which could lead to identity theft and safety

1 concerns.

2 90. It is under belief, that multiple employees of the UW's of Public Records and Open  
3 Public Meetings review each production of documents to ensure compliance with the Washington  
4 Public Records Act and applicable laws.

5 91. In 2003, Dalessio and Defendant UW signed a Settlement Agreement relating to her  
6 employment relationship with UW.

7 92. On or about January 08, 2003 the contract was executed by both Dalessio and  
8 Defendant UW.

9 93. Dalessio performed or substantially performed all of the significant things that the  
10 settlement agreement required her to do. Defendant UW has never complained that Dalessio did  
11 not satisfy the terms of the 2003 Settlement Agreement.

12 94. In a paragraph two (2), of the terms of the 2003 Settlement Agreement, imposed upon  
13 UW an affirmative duty to remove certain specified files from Dalessio's "official Personnel  
14 Department file and from all Department of Laboratory Medicine files."

15 95. In response to PRA request PR 2016-00760, Defendant UW produced the certain  
16 specified files that it had a duty to remove from Dalessio's personnel and Laboratory Medicine  
17 files, in violation of the 2003 Settlement Agreement.

18 96. Dalessio's privacy was harmed because Defendant UW failed to remove the certain  
19 specified documents from Dalessio's official Personnel Department file and from all Department  
20 of Laboratory Medicine files.

21 97. Under belief, the certain specified documents produced in response to PRA request  
22 PR 2016-00760, unlawfully came from Dalessio's official Personnel Department file and from all  
23 Department of Laboratory Medicine files, violating the terms of the 2003 settlement agreement.

24  
25 **FIRST CAUSE OF ACTION**

**42 U.S.C. § 1983**

**Substantive Due Process:**

**Fourteenth Amendment to the United States Constitution**

27 **Against Defendants Saunders, Swenson, Tapper, Palmer, Does 1-12**

28 98. Plaintiff incorporates by reference paragraphs 1 through 97 as fully set forth herein.

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1           99. Under the Fourteenth Amendment to the United States Constitution, Dalessio has a  
2 protected privacy interest in “avoiding disclosure of personal matters.” *In re Crawford*, 194 F. 3d  
3 954, 958 (9<sup>th</sup> Cir. 1999).

4           100. The acts of Defendants were taken under the color of state law.

5           101. Defendants are legally required to comply with the principle of substantive due  
6 process arising out of the Fourteenth Amendments to the United States Constitution.

7           102. Substantive Due Process protects an “individua[‘s] interest in avoiding disclosure of  
8 personal matters.” *In re Crawford*, 194 F. 3d 954, 958 (9<sup>th</sup> Cir. 1999).

9           103. Defendants are legally required to comply with Health Information Portability and  
10 Accountability Act, 42 U.S.C. § 1320d–6(a)(3) which states violation occurs when a person  
11 knowingly “discloses individually identifiable health information to another person.”

12           104. Pursuant to 45 CFR § 164.512(a) a covered entity may only disclose protected health  
13 information “to the extent that such use or disclosure is required by law and the use or disclosure  
14 complies with and is limited to the relevant requirements of such law.”

15           105. Defendants had an obligation to adopt policies, procedures, and safeguards to  
16 prevent unauthorized access to Dalessio’s medical records, pursuant to 42 U.S.C. § 1320d-6(a)(3)  
17 and 45 CFR § 164.512(a).

18           106. Defendants are legally required to comply with the Americans With Disabilities Act,  
19 42 U.S.C. § 12112(d)(3)(B) and 42 U.S.C. § 12112(d)(4)(C) requires that medical records be kept  
20 separately from nonconfidential information, and that access to confidential files be limited.  
21 Defendants had an obligation to ensure that your medical records remained confidential and were  
22 not commingled with other records which then could be produced to unauthorized individuals in  
23 response to PRA requests.

24           107. Defendants had an obligation to adopt policies, procedures, and safeguards to  
25 prevent unauthorized access to Dalessio’s medical records, pursuant to 42 U.S.C. §  
26 12112(d)(3)(B) and 42 U.S.C. § 12112(d)(4)(C).

27           108. Defendants are legally required to comply with disclosure requirements and  
28

1 exemptions of the Washington Public Records Act (“PRA”), RCW 42.56.001, et. seq. The PRA  
 2 expressly prohibits the disclosure of: 1. Social security numbers, RCW 42.56.230(3), RCW  
 3 42.56.230(5), RCW 42.56.230(7)(a), RCW 42.56.250(4); 2. Any record used to prove identity,  
 4 age, residential address, social security number, or other personal information, RCW  
 5 42.56.230(7)(a); 3. Personal information in files maintained for employees, appointees, or elected  
 6 officials of any public agency to the extent that disclosure would violate their right to privacy,  
 7 RCW 42.56.230(3). In addition, the PRA RCW 42.56.070(1) prohibits disclosure of information  
 8 that is exempted under other statutes, specifically; 1. Information contained in the claim files and  
 9 records of injured workers, RCW 51.28.070; 2. Records maintained by the employment security  
 10 department and subject to chapter 50.13 RCW if provided to another organization for operational,  
 11 research, or evaluation purposes are exempt from disclosure under this chapter, RCW 42.56.410;  
 12 3. Preliminary drafts, note, recommendations, intra-agency memorandums in which opinions are  
 13 expressed or policies formulated or recommended RCW 42.56.280; 4. Health care information,  
 14 RCW 70.02.

15 109. Dalessio had a right to expect that Defendants would comply with the law to protect  
 16 her private and confidential information from disclosure. Dalessio has a constitutionally  
 17 protected right “in avoiding disclosure of personal matters.” *In re Crawford*, 194 F. 3d 954, 958  
 18 (9<sup>th</sup> Cir. 1999).

19 110. Dalessio had a right not to have her private and confidential information collected in  
 20 absence of evidence of criminal wrongdoing as a part of her right to privacy and right to be left  
 21 alone and the liberty interests created by state and federal law, and the principle of substantive  
 22 due process found in the Fourteenth Amendment to the United States Constitution.

23 111. Defendants also deprived Dalessio of substantive due process by arbitrary and  
 24 capricious government action which was not rationally related to a legitimate government  
 25 interest. Dalessio’s liberty rights include deprivation of her reputation, the possibility of identity  
 26 theft, and her personal safety and security, thereby violating Dalessio’s right to due process under  
 27 the Fourteenth Amendment of the United States Constitution.

28 112. Defendants damaged Dalessio’s standing in the community and/or imposed the

disclosure of her private and confidential information that affects her safety and security, and forecloses her freedom to conduct her private affairs in private and as she sees fit.

113. As a direct and proximate result of defendants' unlawful acts, Dalessio has suffered economic harm.

114. As a direct and proximate cause of defendants' unlawful acts, Dalessio has suffered physical harm.

115. As a direct and proximate result of defendants' unlawful acts, Dalessio has suffered outrage, betrayal, offense, indignity, embarrassment, humiliation, injury and insult in amounts to be determined at the jury trial.

116. Dalessio seeks equitable relief in the form of having her private and confidential information redacted or destroyed from Defendant UW.

117. Dalessio seeks equitable relief in the form of Defendant UW providing a complete list of every person(s), business, entity, governmental organization who received a copy of Dalessio's records unlawfully.

118. Dalessio seeks recovery of all equitable relief, compensatory damages, and punitive damages as provided by law, in addition to reimbursement of her reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988 and 28 U.S.C. § 1927, if appropriate.

119. Defendants' conduct toward Dalessio demonstrated a wanton, reckless, or callous indifference to the constitutional rights of Dalessio, which warrants an imposition of punitive damages in such amounts as the jury may deem appropriate to deter future violations.

## **[Stricken] SECOND CAUSE OF ACTION**

120. **[Stricken]**

121. **[Stricken]**

122. **[Stricken]**

123. **[Stricken]**

124. **[Stricken]**

125. **[Stricken]**

126. **[Stricken]**

1 127. [Stricken]

2 128. [Stricken]

3 129. [Stricken]

4 130. [Stricken]

5 131. [Stricken]

6 132. [Stricken]

7 133. [Stricken]

8 134. [Stricken]

9 135. [Stricken]

10 136. [Stricken]

11 137. [Stricken]

12 138. [Stricken]

13 139. [Stricken]

14 140. [Stricken]

15 141. [Stricken]

16 142. [Stricken]

17 143. [Stricken]

18 144. [Stricken]

19 145. [Stricken]

20 146. [Stricken]

21  
22 **THIRD CAUSE OF ACTION**  
23 **42 U.S.C. § 1983**  
24 **Fourth Amendment**  
**of the United States Constitution**

25 **Against Defendants Saunders, Swenson, Tapper, Palmer, Does 1-12**

26 147. Plaintiff incorporates by reference paragraphs 1 through 97 as fully set forth herein.

27 148. The Fourth Amendments to the United States Constitution, protects against

28 unreasonable searches and seizures.

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149. The acts of Defendants were taken under the color of state law.

150. Government institutions searching employees medical files can be considered searches under the Fourth Amendment to the United States Constitution. *Norman-Bloodsaw v. Lawrence Berkeley Laboratory*, 135 F. 3d 1260, 1269 (9<sup>th</sup> Cir. 1998).

151. By Defendants searching Dalessio's personnel file, laboratory medical file, and disability services file, Defendants violated Dalessio's right to be free from unreasonable searches and seizures and to be secure in her person, house, papers and effects in violation of Article I, Section 7 of the Washington Constitution, as well as in violation of the Fourth Amendment of the United States Constitution.

152. It is under belief that Defendants Saunders, Tapper, Swenson, Palmer and Does 1-12 encouraged, sanctioned, and ratified a practice of searching and producing documents out of personnel files, laboratory medical file, and disability services file, violating Dalessio's right to be free from unreasonable searches and seizures and to be secure in her person, house, papers and effects in violation of Article I, Section 7 of the Washington Constitution, as well as in violation of the Fourth Amendment of the United States Constitution, made applicable to the State of Washington through the Fourteenth Amendment and made actionable by 42 U.S.C. § 1983.

153. Defendants are legally required to comply with Health Information Portability and Accountability Act, 42 U.S.C. § 1320d-6(a)(3) which states violation occurs when a person knowingly "discloses individually identifiable health information to another person."

154. Pursuant to 45 CFR § 164.512(a) a covered entity may only disclose protected health information "to the extent that such use or disclosure is required by law and the use or disclosure complies with and is limited to the relevant requirements of such law."

155. Defendants are legally required to comply with the Americans With Disabilities Act, 42 U.S.C. § 12112(d)(3)(B) and 42 U.S.C. § 12112(d)(4)(C) requires that medical records be kept separately from nonconfidential information, and that access to confidential files be limited. Defendants had an obligation to ensure that your medical records remained confidential and were not commingled with other records which then could be produced to unauthorized individuals in

response to PRA requests.

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156. Defendants had an obligation to adopt policies, procedures, and safeguards to prevent unauthorized access to Dalessio's medical records, pursuant to 42 U.S.C. § 12112(d)(3)(B) and 42 U.S.C. § 12112(d)(4)(C).

157. Defendants had no legal authority to make searches under the PRA for Protected Health Information under HIPAA, or protected medical documents and requests for accommodations under the Americans with Disabilities Act, in violation of Article I, Section 7 of the Washington Constitution, as well as in violation of the Fourth Amendment of the United States Constitution, made applicable to the State of Washington through the Fourteenth Amendment and made actionable by 42 U.S.C. § 1983.

158. It is under belief, that Defendants' constitutional abuses and violations were and are directly caused by policies, practices and/or customs devised, implemented enforced, encouraged, sanctioned, by Defendants Saunders, Tapper, Swenson, Palmer and Does 1-12.

159. As a direct and proximate result of defendants' unlawful acts, Dalessio has suffered economic harm.

160. As a direct and proximate cause of defendants' unlawful acts, Dalessio has suffered physical harm.

161. As a direct and proximate result of defendants' unlawful acts, Dalessio has suffered outrage, betrayal, offense, indignity, embarrassment, humiliation, injury and insult in amounts to be determined at the jury trial.

164. Dalessio seeks recovery of all equitable relief, compensatory damages, and punitive damages as provided by law, in addition to reimbursement of her reasonable attorney's fees and costs pursuant to 42 U.S.C. § 1988 and 28 U.S.C. § 1927, if appropriate.

165. Defendants' conduct toward Dalessio demonstrated a wanton, reckless, or callous indifference to the constitutional rights of Dalessio, which warrants an imposition of punitive damages in such amounts as the jury may deem appropriate to deter future violations.

**FOURTH CAUSE OF ACTION  
Declaratory Judgment, 28 U.S.C. §2201, et. seq.**

**Against Defendants UW, Saunders, Swenson, Tapper, Palmer, Does 1-12**

166. Plaintiff incorporates paragraphs 1 through 97 as set forth herein.

167. Defendants violated Dalessio's substantive due process rights when it/they unlawfully disclosed private and confidential information about her to third parties including, but not limited to: Dalessio's social security number; Dalessio's date of birth, Dalessio's place of birth; Dalessio's personal home address; Dalessio's personal phone number; Dalessio's personal email address; Dalessio's employee identification number; Dalessio's payroll records; Dalessio's protected health information under both federal laws the Health Insurance Portability and Accountability Act ("HIPAA"), and the Americans with Disabilities Act ("ADA"); Dalessio's requests for accommodation under the ADA; comments by other employees about Dalessio's disabilities; Dalessio's employee job classification and salary and benefits information; Dalessio's employment security records; Dalessio's job performance evaluations and allegations related to alleged misconduct; Dalessio's work and leave records; Dalessio's previous legal surnames; Dalessio's signature.

168. Defendants violated Dalessio's Fourth Amendment rights when it/they unreasonably searched Dalessio's personnel file, laboratory medical file, and disability services file, Defendants violated Dalessio's right to be free from unreasonable searches and seizures and to be secure in her person, house, papers and effects in violation of Article I, Section 7 of the Washington Constitution, as well as in violation of the Fourth Amendment of the United States Constitution.

169. Dalessio is entitled to an order from the Court that Defendants violated her substantive due process rights.

170. Dalessio is entitled to an order form the Court that Defendants violated her Fourth Amendment rights.

171. Dalessio seeks equitable relief in the form of having her records deleted from her file, pursuant to the 2003 settlement agreement and other legal authority.

172. Dalessio also seeks training and accountability for the invasion of her civil liberties

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1 and others.

2 173. Dalessio seeks equitable relief in the form of providing training in the protection of  
3 private and confidential information, especially in the areas of: employee personnel files,  
4 disability services files, medical records, social security numbers and dates of birth.

5 174. Dalessio is entitled to reasonable attorney's fees and costs pursuant to 42. U.S.C.  
6 § 1988 and 28 U.S.C. § 1927, if appropriate.

7 **[Stricken] FIFTH CAUSE OF ACTION**

8 175. [Stricken]

9 176. [Stricken]

10 177. [Stricken]

11 178. [Stricken]

12 179. [Stricken]

13 180. [Stricken]

14 181. [Stricken]

15 182. [Stricken]

16 **SIXTH CAUSE OF ACTION**  
17 **Breach of Contract**

18 **Against Defendant UW**

19 183. Plaintiff incorporates paragraphs 1 through 97 as set forth herein.

20 184. Dalessio and Defendant UW entered into a contract/settlement agreement in 2003.

21 185. Defendant UW breached this 2003 contract/settlement agreement by failing to  
22 remove certain specific documents from Dalessio's official personnel file and from all  
23 Department of Labaorary Medicine files.

24 186. On January 10, 2003 Dalessio was told by Washington Assistant Attorney General  
25 Jeffrey Davis that the documents in question have collected and sequestered pursuant to the 2003  
26 contract/settlement agreement.

27 187. On or about February 2017, Dalessio received documents to her PRA request PR

28 2016-00760. In those documents were documents from her personnel file and from the  
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1 Department of Laboratory Medicine files. This is when Dalessio first learned of Defendant UW's  
2 breach of the 2003 contract/settlement agreement.

3 188. Dalessio performed her duties under the 2003 contract/settlement agreement. At no  
4 time did Defendant UW notify Dalessio that she did not satisfy the terms of the 2003  
5 contract/settlement agreement.

6 189. Dalessio suffered actual and foreseeable damages a result of Defendant UW's  
7 breach.

8 190. But for Defendant UW's breach of the 2003 contract/settlement agreement, many of  
9 the private and confidential documents disclosed concerning Dalessio through PRA requests to  
10 Betz and others, would have not occurred.

11  
12 **SEVENTH CAUSE OF ACTION**  
13 **Common Law Tort**  
14 **Public Disclosure of Private Facts**

15 **Against Defendants Saunders, Swenson, Tapper, Palmer, Does 1-12**

16 191. Plaintiff incorporates paragraphs 1 through 97 as set forth herein.

17 192. Washington case law recognizes the common law tort of public disclosure of private  
18 facts. *See e.g. Hearst v. Hoppe*, 90 Wn.2d 123, 135 (1978).

19 193. At all relevant times, Dalessio was a resident of the State of Washington.

20 194. Defendants gave publicity to matters pertaining to Dalessio's private life by  
21 disclosing through the PRA her: Dalessio's social security number; Dalessio's date of birth,  
22 Dalessio's place of birth; Dalessio's personal home address; Dalessio's personal phone number;  
23 Dalessio's personal email address; Dalessio's employee identification number; Dalessio's payroll  
24 records; Dalessio's protected health information under both federal laws the Health Insurance  
25 Portability and Accountability Act ("HIPAA"), and the Americans with Disabilities Act  
26 ("ADA"); Dalessio's requests for accommodation under the ADA; comments by other employees  
27 about Dalessio's disabilities; Dalessio's employee job classification and salary and benefits  
28 information; Dalessio's employment security records; Dalessio's job performance evaluations and  
allegations related to alleged misconduct; Dalessio's work and leave records; Dalessio's previous

1 legal surnames; Dalessio's signature.

2 195. Disclosing information, listed in paragraph 192 of this complaint, through the PRA  
3 would be highly offensive to a reasonable person.

4 196. None of the information listed in paragraph 192 of this complaint is of legitimate  
5 concern to the public.

6 197. The disclosure of the documents through the PRA is a public disclosure.

7 198. As a direct and proximate result of defendants' unlawful acts, Dalessio has suffered  
8 economic harm.

9 199. As a direct and proximate cause of defendants' unlawful acts, Dalessio has suffered  
10 physical harm.

11 200. As a direct and proximate result of defendants' unlawful acts, Dalessio has suffered  
12 outrage, betrayal, offense, indignity, embarrassment, humiliation, injury and insult in amounts to  
13 be determined at the jury trial.

14 201. Defendants' conduct toward Dalessio demonstrated a wanton, reckless, or callous  
15 indifference to the constitutional rights of Dalessio, which warrants an imposition of punitive  
16 damages in such amounts as the jury may deem appropriate to deter future violations.

## 17 **EIGHTH CAUSE OF ACTION** 18 **Injunctive Relief**

### 19 **Against Defendants Saunders, Swenson, Tapper, Palmer, Does 1-12**

20 200. Plaintiff incorporates paragraphs 1 through 97 as set forth herein.

21 201. Dalessio has a constitutionally protected expectation of privacy in personal  
22 identifying information based on Article 1, Section 7 of the Washington State Constitution.

23 202. Dalessio's personal identifying information is exempt from disclosure under the  
24 PRA. Disclosure of Dalessio's identifying information would not be in the public interest, and  
25 would continue to substantially and irreparably damage Dalessio and her privacy interest.

26 203. Dalessio has no other adequate remedy at law. The PRA, RCW 42.56.540, allows a  
27 Court to enjoin the release of public records when the release would clearly not be in the public  
28 interest and would substantially and irreparably damage any person. Final injunctive relief is

1 necessary to protect Dalessio from the release of exempt private information.

2 **V. Prayer for Relief**

3 Wherefore, Plaintiff Dalessio prays for judgment against the defendants as follows:

- 4 1. Economic damages in an amount to be determined at trial;
- 5 2. Compensatory damages in an amount to be determined at trial;
- 6 3. All available equitable relief and damages in amounts to be determined at trial;
- 7 4. Punitive damages consistent with the claims above against defendants in amounts to be
- 8 determined at trial;
- 9 5. Reasonable attorney's fees and litigation expenses/costs herein, including expert
- 10 witness and expenses, consistent with the claims above against defendants; and
- 11 6. Grant other relief as just and proper.

12 **PLAINTIFF HEREBY DEMANDS A JURY TRIAL.**

13 DATED this 12th day of March, 2018

Law Office of Joseph Thomas

14 /s/ Joseph Thomas

15 Joseph Thomas, WSBA 49532

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